

## **Chapter 61 Compliance with IRS Requirements**

### **100 Purpose**

The purpose of this regulation is to confirm that the defined benefit plans administered by the Board of Trustees of the Public Employees' Retirement System shall be administered in accordance with IRS requirements applicable to governmental retirement plans.

### **101 Public Employees' Retirement System of Mississippi**

1. The Board of Trustees of the Public Employees' Retirement System shall hold the assets of the system in trust for the exclusive purpose of providing benefits to participants and paying reasonable expenses of administration. The assets shall be maintained as a separate fund, separate from all other funds held by the Board of Trustees of the Public Employees' Retirement System of Mississippi and shall be used only for the payment of benefits provided by Miss. Code Ann. § 25-11-1 et seq., (1972, as amended) or amendments thereto.
2. It shall be impossible by operation of the Public Employees' Retirement System, by termination, by power of revocation or amendment, by the happening of any contingency, by collateral arrangement or by other means, for any part of the corpus or income of the trust, or any funds contributed thereto, to inure to the benefit of any employer or otherwise be used for or diverted to purposes other than providing benefits to participants and beneficiaries and defraying reasonable expenses of administering the system.
3. Benefits are provided in accordance with § 25-11-1 et seq. Forfeitures of accrued benefits resulting from members electing to receive a refund of employee contributions will not be applied to increase the benefits any member would otherwise receive under these provisions.
4. Benefits payable pursuant to Title 25, Chapter 11 of the Mississippi Code Annotated shall be made in compliance with the limitations set forth in Section 415 of the Internal Revenue Code and any regulations issues there under as applicable to governmental plans. Further, distributions made from the Public Employees' Retirement System shall conform to a good faith interpretation of Section 401(a)(9) of the Internal Revenue Code.

### **102 Supplemental Legislative Retirement Plan**

1. The Board of Trustees of the Public Employees' Retirement System shall hold the assets of the Supplemental Legislative Retirement Plan in trust for the exclusive purpose of providing benefits to participants and paying reasonable expenses of administration. The assets shall be maintained as a separate fund, separate from all other funds held by the Board of Trustees

of the Public Employees' Retirement System of Mississippi and shall be used only for the payment of benefits provided by Miss. Code Ann. § 25-11-301 et seq., (1972, as amended) or amendments thereto.

2. The Supplemental Legislative Retirement Plan provides benefits that supplement the Public Employees' Retirement System of Mississippi. Accordingly, the provisions of Miss. Code Ann. § 25-11-1, et seq. are incorporated as part of the Supplemental Legislative Retirement Plan to the extent they are not inconsistent with the provisions of Miss. Code Ann. § 25-11-301, et seq.
3. It shall be impossible by operation of the Supplemental Legislative Retirement Plan, by termination, by power of revocation or amendment, by the happening of any contingency, by collateral arrangement or by other means, for any part of the corpus or income of the trust, or any funds contributed thereto, to inure to the benefit of any employer or otherwise be used for or diverted to purposes other than providing benefits to participants and beneficiaries and defraying reasonable expenses of administering the plan.
4. Benefits are provided in accordance with § 25-11-301 et seq. Forfeitures of accrued benefits resulting from members electing to receive a refund of employee contributions will not be applied to increase the benefits any member would otherwise receive under these provisions.
5. Benefits payable pursuant to § 25-11-301 et seq. shall be made in compliance with the limitations set forth in Section 415 of the Internal Revenue Code and any regulations issues there under as applicable to governmental plans. Further, distributions made from the Supplemental Legislative Retirement Plan shall conform to a good faith interpretation of Section 401(a)(9) of the Internal Revenue Code.

### **103 Mississippi Highway Safety Patrol Retirement System**

1. The Board of Trustees of the Public Employees' Retirement System shall hold the assets of the Mississippi Highway Safety Patrol Retirement System in trust for the exclusive purpose of providing benefits to participants and paying reasonable expenses of administration. The assets shall be maintained as a separate fund, separate from all other funds held by the Board of Trustees of the Public Employees' Retirement System of Mississippi and shall be used only for the payment of benefits provided by Miss. Code Ann. § 25-13-1 et seq., (1972, as amended) or amendments thereto.
2. It shall be impossible by operation of the Mississippi Highway Safety Patrol Retirement System, by termination, by power of revocation or amendment, by the happening of any contingency, by collateral

arrangement or by other means, for any part of the corpus or income of the trust, or any funds contributed thereto, to inure to the benefit of any employer or otherwise be used for or diverted to purposes other than providing benefits to participants and beneficiaries and defraying reasonable expenses of administering the System.

3. Benefits are provided in accordance with § 25-13-1 et seq. Forfeitures of accrued benefits resulting from members electing to receive a refund of employee contributions will not be applied to increase the benefits any member would otherwise receive under these provisions.
4. Benefits payable pursuant to Title 25, Chapter 13 shall be made in compliance with the limitations set forth in Section 415 of the Internal Revenue Code and any regulations issues there under as applicable to governmental plans. Further, distributions made from the Mississippi Highway Safety Patrol Retirement System shall conform to a good faith interpretation of Section 401(a)(9) of the Internal Revenue Code.

#### **104 Municipal Retirement Systems**

1. The Board of Trustees of the Public Employees' Retirement System shall hold the assets of the Municipal Retirement Systems in trust for the exclusive purpose of providing benefits to participants and paying reasonable expenses of administration. The assets of each municipal retirement system (including general municipal retirement funds as well as disability and relief funds for firemen and policemen) shall be maintained as separate funds, separate from all other funds held by the Board of Trustees of the Public Employees' Retirement System of Mississippi. and shall be used only for the payment of benefits provided by Miss. Code Ann. §§ 21-29-1 et seq., 21-29-101 et seq. and 21-29-201 et seq., (1972, as amended) respectively.
2. It shall be impossible by operation of the Municipal Retirement Systems by termination, by power of revocation or amendment, by the happening of any contingency, by collateral arrangement or by other means, for any part of the corpus or income of the trust, or any funds contributed thereto, to inure to the benefit of any employer or otherwise be used for or diverted to purposes other than providing benefits to participants and beneficiaries and defraying reasonable expenses of administering the systems.
3. Benefits are provided in accordance with §§ 21-29-1 et seq., 21-29-101 et seq. and 21-29-201 et seq. respectively. Forfeitures of accrued benefits resulting from members electing to receive a refund of employee contributions will not be applied to increase the benefits any member would otherwise receive under these provisions.

4. Benefits payable pursuant to §§ 21-29-1 et seq., 21-29-101 et seq. and 21-29-201 et seq. respectively, shall be made in compliance with the limitations set forth in Section 415 of the Internal Revenue Code and any regulations issues there under as applicable to governmental plans. Further, distributions made from these plans shall conform to a good faith interpretation of Section 401(a)(9) of the Internal Revenue Code.

**(Effective Date: January 19, 2009)**